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ABSTRACT

This bulletin speaks to the major issue of providing equal opportunity for handicapped students through implementation of the program accessibility requirements of Section 504, Subpart C of the Rehabilitation Act of 1973. The purpose of this bulletin is to share significant highlights of a conference on "Barrier-Free Environments and the Schools," discuss the idea of "program accessibility," and suggest steps for compliance with this legislation. The scope of the act is illustrated in tables and the document explains how the subparts require immediate action by educational leaders. With regard to existing facilities, the section is a "program access" law rather than a "barrier-free" law. The major concept is that the program must be available to and usable by handicapped persons. For new facilities, the law is unequivocal regarding accessibility--all new facilities (or new parts of facilities) must be "readily accessible to and usable by handicapped persons." Procedures that administrators should follow to ensure compliance with the law are outlined and sources of assistance are listed. The appendices contain rules and regulations for the legislation, a checklist to determine whether buildings are accessible to the physically handicapped, and an annotated bibliography. (Author/MLF)

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OSSC
BULLETIN

WIDER DOORS FOR HANDICAPPED CHILDREN: SECTION 504, PART C

by

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PREFACE

Section 504, Subpart C of the Rehabilitation Act of 1973 will increase frustrations for school leaders. This is unfortunate. Concurrently, it will increase accessibility to school programs for handicapped children, handicapped parents and handicapped adult citizens generally. This is fortunate.

For decades, physically handicapped children have had to tolerate access barriers, a variety of obstructions, deferred hopes, disappointments and embarrassments. Today, school leaders face perplexing regulations, vacillating interpretations, tight time lines and competing demands for dollars. But, Section 504 will not go away. Neither will the special needs of our no-less-precious handicapped children.

This Bulletin by Donnise Brown, doctoral student in Educational Administration at the University of Oregon, speaks to the major issue of providing equal opportunity for handicapped students through implementation of the program accessibility requirements of Section 504, Subpart C. These concepts germinated in an April 1978, Oregon School Study Council Conference in The Dalles on "Barrier-Free Environments and the Schools."

Sincere appreciation is due Yoanna Cole (parent, The Dalles), Jesse Fasold (Associate Superintendent for Special Education, State Department of Education), Jerry Rempel (Program Manager, Vocational Rehabilitation, State of Oregon), George Yertson (Superintendent of Schools, The Dalles) and Rich Correa (Principal, The Dalles High School).

Kenneth A. Erickson
Executive Secretary
Oregon School Study Council

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WIDER DOORS FOR HANDICAPPED CHILDREN:

SECTION 504, PART C

I. Section 504

> "This law came about because we lobbied and did a sit-in."*

These words may sound as though they came from a minority or feminist group. However, the statement was made by a young woman confined to a wheelchair. The law is not the Civil Rights Act or Title IX; it is the Rehabilitation Act of 1973. She continues:

> It's exciting to be a mother of a seven year old son who goes to school. I want to go to his school and see his teacher, eat lunch with him now and then and go to the school carnival.

Yoanna Cole simply was asking for access to her son's school. Her school district in The Dalles, Oregon, did respond to the needs of physically handicapped persons and to requirements in Section 504, Subpart C. On November 10, 1977, the School Board adopted a three-year plan (1977-80) for reducing architectural barriers in its five schools, the Superintendent's Office, and the Resource and Media Center. This district of 2500 students has begun what all recipients of federal financial assistance must do by June, 1980--make programs accessible to all persons

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*In April, 1977, handicapped demonstrators and persons from advocacy groups protested the delay in signing the "Rules and Regulations" for Section 504. They occupied Health, Education and Welfare offices in Washington, D.C., and San Francisco. In Eugene, Oregon, they staged a "sit-in" in the State Vocational Rehabilitation Department.

regardless of handicap. Appropriately, The Dalles hosted the Oregon School Study Council Conference on "Barrier-Free Environments and the Schools" on April 18, 1978.

The purpose of this Bulletin is to (a) share significant highlights of that conference, (b) discuss the idea of "program accessibility," and (c) suggest steps for compliance with P.L. 93-112, Section 504, Subpart C. It is recommended that school leaders read the "Rules and Regulations" regarding Section 504 found in Volume 42, Number 86, of the Federal Register for May 4, 1977 (pages 22676-22694). The "Rules and Regulations" are clearly written and as an original source are not subject to distortion or exaggeration. (A portion of these regulations are included in Appendix A of this Bulletin.)

The scope of the Rehabilitation Act of 1973 is illustrated in Table I on page 3. Note that Section 503 requires affirmative action to employ handicapped persons when the district has a contract of $2500 or more with the federal government.

The subparts of Section 504 are indicated in Table II on page 4. Subparts A, B, C, and D all have important impact for school districts. Section D is closely coordinated with the "Education of the Handicapped Act" (P.L. 94-142). An analysis of the relationship of P.L. 94-142 and Section 504 is found in Civil Rights for the Handicapped, Chapter IV, "P.L. 94-142 and Section 504: Comparison and Contrast," written by Richard Clelland, and published by the American Association for School Administrators, 1978.

TABLE I

REHABILITATION ACT OF 1973

P.L. 93-112

SECTION AND TITLE	REGULATORY AGENCY	PROVISIONS
501 Employment of Handicapped Individuals	U.S. Civil Service Commission	Agencies in executive branch of the Federal Government to have affirmative action program for hiring, placement and advancement of handicapped individuals.
502 Establishes Architectural and Transportation Barriers Compliance Board	Architectural and Transportation Barriers Compliance Board	Heads of nine federal agencies to insure accessibility and usability of buildings constructed with federal funds; Board is also to facilitate eliminating architectural, transportation and attitudinal barriers facing handicapped individuals.
503 Employment under Federal Contracts	Office of Federal Contract Compliance Programs, Department of Labor	Contractors acquiring federal contracts of $2500 or more to take affirmative action to employ handicapped individuals without discrimination with regard to handicap.
*504 *Nondiscrimination under Federal Grants*	*Office of Civil Rights of the Department of Health, Education and Welfare*	*No otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*

*focus of this Bulletin

TABLE II

SUBPARTS OF SECTION 504

No otherwise qualified handicapped individual in the United States... shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

SUBPART	ADDRESSES	PROVISIONS
A	General Provisions	Provides for administration of Section 504 and includes assurances, self-evaluation, grievance procedures, notification of policy of nondiscrimination on basis of handicap.
B	Employment Practices	Prohibits discrimination against handicapped in recruitment, hiring, compensation, fringe benefits, and job assignment. Employers required to make reasonable accommodation for handicapped applicants and employees.
*C	*Program Accessibility*	*New facilities required to be accessible and usable by handicapped. Programs conducted in existing facilities to be accessible. Structural changes required only if other means of providing program access not possible.*
D	Preschool, Elementary and Secondary Education	Provisions closely coordinated with Education for All Handicapped Children Act of 1975 (P.L. 94-142). Public education programs to provide free appropriate education in the most normal setting possible. Requires proper evaluation, classification and placement of handicapped children and outlines due process procedures.
E	Postsecondary Education	Colleges and universities prohibited from discrimination against handicapped in recruitment, admission and treatment.
F	Health, Welfare and Social Services	Prohibits discrimination against the handicapped, drug addicts and alcoholics in provision of services.

*focus of this Bulletin

II. Equal Opportunity for Handicapped Students

> I want to be a person...I don't want to be on social security and welfare. I want to have a job and pay taxes. I laugh, cry, love--just like other people.
>
> Yoanna Cole

In the sixties, U.S. public schools faced the challenges of compliance with Title VI of the Civil Rights Act. In the early 70's they faced Title IX of the Education Amendments. Now they are confronted with Section 504, again as a result of congressional action. Its purpose is to protect handicapped persons from discrimination in employment, give equal educational opportunity, and guarantee equal access in any program receiving federal assistance.

An essential tenet of both Title VI and Title IX was the assumption that there should be equal treatment of persons regardless of race (Title VI) or sex (Title IX). Equal treatment of handicapped persons, however, may constitute discrimination. Herein lies a significant difference between Section 504 and other civil rights legislation. Identical treatment of a student in a wheelchair and one who can walk may result in unequal opportunity for the former. Both persons may be allowed to enroll in a public high school class located up two flights of stairs, but only the ambulatory student really has access to the program. The student in the wheelchair has been denied access to the class.

The "Rules and Regulations" for Section 504, Subpart C (see Appendix A), disallow discrimination against the handicapped:

> No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or

otherwise be subjected to discrimination under any program or activity to which this part applies.

The "Rules and Regulations" regarding Subpart C fall into two categories: (1) existing facilities, and (2) new construction. They require immediate action by educational leaders. Changes in district policy or procedures will not be enough to provide "program accessibility."

III. Program Accessibility: Existing Facilities

Schools are to operate in such a fashion that the program "when viewed in its entirety," is accessible to handicapped persons. This does not mean that every portion of every existing building must be accessible, but rather the educational program must be accessible. Thus, it may be that a handicapped student can have access to the educational program, e.g., simply by scheduling all the classes required by that student in an accessible wing of the school building.

A. Methods

The means of making programs accessible are not prescribed by the law. Schools may make programs accessible by redesigning equipment, relocating classes, assigning of teaching aides, home visits, or methods that result in making the program usable for handicapped students. Care must be taken to see that meeting the accessibility requirement does not result in the isolation or concentration of handicapped students away from nonhandicapped students. Schools are to "give priority to those methods that offer programs in the most integrated setting appropriate."

A "Policy Interpretation" of Section 504 issued August 14, 1978, by the Department of Health, Education and Welfare states:

> The Secretary believes that the standard is flexible enough to permit recipients to devise ways to make their programs accessible short of extremely expensive or impractical physical changes in facilities. Accordingly, the section does not allow for waivers.

It should be pointed out that this same "Policy Interpretation" considers the subject of carrying handicapped persons in order to achieve program accessibility:

> Carrying is an unacceptable method...except in two cases. First, when program accessibility can be achieved only through structural changes, carrying may serve as an expedient until construction is completed. Second, carrying will be permitted in manifestly exceptional cases if carriers are formally instructed on the safest and least humiliating means of carrying and the service is provided in a reliable manner.

In summary, it is not necessary to make structural changes in existing facilities if other methods are effective in achieving program accessibility. Thus, the law does not require the elimination of all architectural barriers for handicapped persons in existing buildings. Jerry Rempel, Program Manager, Vocational Rehabilitation, State of Oregon, points out that "this is probably the biggest misunderstanding about Section 504 that exists at this time." The major concept is that the program must be available to and usable by handicapped persons. With regard to existing facilities, Section 504, Subpart C, is a "program access" law rather than a "barrier-free" law.

Yoanna Cole illustrates a program accessibility request in this reasonable but assertive statement:

> If there was a class on the third floor that I really wanted to take, I would ask that it be put where I could get

to it. We--the school and I--should figure out a compromise. It would be outrageous of me to ask that the building be torn down or completely remodeled. But at least if the school would meet me halfway, I would be able to take that class.

It would be lawful and appropriate for a school to relocate a class to make it available to a student in a wheelchair. It would be neither lawful nor appropriate were the school's response to result in a concentration of handicapped students in one area.

B. Small Schools

School districts should be aware that if they have fewer than fifteen employees, they may, after consultation with a handicapped student and the parents, refer the student to another school district that has accessible facilities. This is in the event that there is no method of complying short of significant building alterations. Oregon and other rural states have numerous small school districts. It may be appropriate for any such district that has a student in a wheelchair, to arrange for the student to attend a near-by barrier-free school.

C. Time Line

The "Rules and Regulations" were signed by Joseph Califano, Secretary of the Department of Health, Education and Welfare on April 28, 1977, and became effective May 4, 1977. Non-structural changes were to have been made within 60 days. That is, program accessibility possible without remodeling should have been accomplished by July, 1977. Congress allowed three years for structural changes needed to achieve program accessibility for handicapped persons. Building alterations should thus be complete by June, 1980.

The August 14, 1978, "Policy Interpretation" of Section 504, Subpart C, by the Department of Health, Education and Welfare, states that "the absence of mobility impaired persons residing in an area cannot be used as the test of whether programs and activities must be made accessible." In other words, the stated time line cannot be delayed until handicapped persons move into the school district. This would ignore the needs of persons temporarily disabled and those who wish to move into the area.

D. Transition Plan

If structural changes to school buildings are needed in order to make school programs accessible, Section 504, Subpart C, requires that a transition plan be developed within six months of the effective date (by December, 1977) that specifies those changes. It is particularly significant that the "Rules and Regulations" specify that the transition plan be developed with the assistance of handicapped persons or organizations representing handicapped persons. Such consultation might avoid a situation which Yoanna Cole describes:

> There is a restroom downtown that has the grab bars in the right places and the right width, but it's not accessible because the door won't close when I enter with my wheelchair. That's not good—I can't use it. Often when you follow simple blueprints, the result is not a barrier-free building.

Attempts have been made and will continue to be made to codify all that needs to be done to comply with Section 504, Subpart C. School leaders may follow these codes and assume that they have met the letter of the law, but the real test of "program accessibility" is by handicapped individuals. As Jerry Rempel warns, "if the handicapped person can't use the facility, you may have a discrimination complaint against your school."

The assistance of handicapped persons in the development of the transition plan is practical from a financial point of view, too. There are recent accounts of schools with expensive new elevators that have doors too narrow for wheelchairs; replumbed and remodeled restroom facilities when the elimination of just one partition and one toilet stool would have sufficed; and newly installed concrete ramps without any level landing so that an individual in a wheelchair is unable to open the door. The involvement of handicapped persons in planning and "trial use" of the facilities should help avoid costly mistakes.

A transition plan is to specify the steps necessary to complete the architectural changes. The plan should:

1. Identify physical obstacles in facilities that limit accessibility to the handicapped;
2. Describe in detail the methods that will be used to make the facilities accessible;
3. Specify the schedule for taking the steps to achieve program accessibility; and
4. Indicate the person responsible for implementation of the plan.

The Oregon Architectural Barriers Council is a non-profit organization with the stated purpose of aiding in the elimination of attitudinal and architectural barriers in the State of Oregon. Its members have indicated a willingness to assist schools and other agencies develop transition plans. OABC also maintains a wide selection of written materials that will be loaned to interested school leaders. Their address is: 3214 S.E. Holgate, Room 318, Portland, OR 97202 (phone 503-231-4977).

E. Self-Assessment Checklists

One way to identify the physical barriers that make schools inaccessible is to use a comprehensive checklist as a self assessment. The Oregon Architectural Barriers Council has developed a "Checklist for Barrier-Free Design." OABC developed the checklist from the Oregon Uniform Building Code and the American National Standards Institute (ANSI). Copies of this checklist are available from the Oregon Architectural Barriers Council.

Three additional survey forms are found in "Barrier-Free School Facilities for Handicapped Students," an Educational Research Service Aid. The Bibliography on page 35 includes ordering information. These checklists are from the National Easter Seal Society for Crippled Children and Adults, the North Carolina Department of Insurance, and Colorado State University. They were not designed specifically for school use but can be adapted for surveys of educational facilities.

Richard Clelland, in Section 504: Civil Rights for the Handicapped, has also developed a checklist based on the ANSI Standards. Unlike the previous four checklists, it is especially designed for schools. This checklist is reprinted in this Bulletin with the permission of the publisher, the American Association of School Administrators. The checklist is in Appendix B.

Jesse Fasold, Associate Superintendent for Special Education, State of Oregon, was asked with regard to Section 504, Subpart C, "where does a school superintendent start?" His response was:

> I think we ought to start with a checklist and get things in order. If we begin with the checklist, we have set in motion the ability to be in substantial compliance with the provisions of this law...you have an opportunity to make a facility survey and outline a plan in which you indicate your intention to comply by 1980.

After a survey tool has been selected and the survey conducted for those buildings requiring structural changes, the actual steps anticipated to make the facilities accessible should be described in detail. If the time required to accomplish these steps is longer than a year, identify the steps that will be taken during each year of the transition period. The district will also need to designate an individual as the person responsible for implementation of the transition plan.

F. Program Access for Blind or Deaf Persons

Some advocacy groups are interpreting the "program accessibility" requirement of Section 504 to include special needs of persons with auditory or visual impairments as well as those with general physical handicaps. Their proposed interpretation is that in order for a program to be classified as accessible, an interpreter would be needed for the deaf, and braille materials for the blind. The financial implications of this interpretation are immense.

Two important points should be kept in mind by school leaders with regard to deaf or blind persons. First, sensory impairments are usually not total; blind persons generally have some vision and deaf persons often have some hearing. For example, a legally blind student may actually be a print reader because of sufficient residual vision. A hearing impaired child may read lips adequately and not need an interpreter to translate spoken English into sign language. In such situations, the teacher simply

faces the hearing impaired child and speaks distinctly. However, every handicapped child must have an "individualized education plan" based on his or her particular needs as required by P.L. 94-142. These "I.E.P.s" may or may not specify that braille is required or that an interpreter is needed. *In short, if the special requirements for a legally blind or deaf child are met by the I.E.P. outline, it would seem that "program accessibility" requirements for that child also are met.*

Second, sensory impairments are quite rare. For example, only three out of every 10,000 children are blind. If a school district does have blind or deaf children in its attendance area, their educational needs must be met as specified in P.L. 94-142, but it would seem unwise to consider hiring a braillist for the blind or an interpreter for the deaf before an I.E.P. is developed.

In the "Rules and Regulations" (see Appendix A) there is a "Notice" (§ 84.22 (f)) which requires schools to be sure that all persons, including the visually impaired and hearing impaired, are able to obtain information about the "services, activities, and facilities" of the school. This could be accomplished through local radio or television announcements for the blind and written newspaper notices for the deaf. It would be appropriate to indicate to the community that, if given notice, the school will have an interpreter at public meetings for hearing impaired persons who need manual communication. Similarly, board meetings can be taped in the event that a visually impaired person wants a recorded transcript. (Neither process is particularly expensive, although the availability of an interpreter for the deaf may be a problem in remote areas.)

Various sources indicate that from 10 to 12 percent of the population in the U.S. have some disability. Most do not need any adaptation to make facilities usable or accessible. Schools should locate school patrons in the district with handicaps that would prevent their participation in school functions. Ask their suggestions for making school facilities available and usable in the most efficient and economical way. Make adaptations on an individual basis with advice from handicapped patrons. Large districts could have a concentration either of hearing impaired or visually impaired persons that warrant special amplifiers in the board room or braille copies of the board agenda. This would seem unlikely in small districts.

Conflicting interpretations of the "Rules and Regulations" regarding sensory impaired persons continue to confuse this particular issue. Until court cases give school leaders additional guidance, it seems prudent that the "Rules and Regulations" themselves be used by schools as a guide rather than discrepant interpretations.

IV. Program Accessibility: New Construction

> I know that there are people saying "we don't have any handicapped people going to our school--why change it?" It is because someday there will be--maybe tomorrow.
>
> Yoanna Cole

Congress had tomorrow in mind when it considered new construction in Section 504, Subpart C. Here the law is unequivocal regarding accessibility--all new facilities (or new parts of facilities) must be "readily accessible to and usable by handicapped persons." *In existing facilities it is a question of "program accessibility;" in new facilities, the buildings must*

be barrier-free. New buildings are those where construction began after May 4, 1977. Schools as recipients of federal funds must design and construct buildings which can be used by physically handicapped persons.

Any alteration of school buildings shall, "to the maximum extent feasible," provide access for handicapped persons in the altered portion of the building. For example, an alteration of ceilings in an existing building will not require that doorways be widened, but if a wall opening is remodeled it must be wide enough for wheelchairs.

The "Rules and Regulations" indicate that schools will have complied if design, construction, and alteration conform with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. Section 504 allows deviation from these standards when "it is clearly evident that equivalent access to the facility...is thereby provided." Building plans that are reviewed by knowledgeable handicapped persons are less apt to have architectural barriers that will be costly to remove later.

V. More Barriers: Attitudes, Money, Communication

> Sometimes there are not only architectural barriers but attitudinal barriers, too. People don't know why they have to change their buildings and they get upset because it costs a lot... I'm for changing the attitudinal barriers first because once those are changed, I think everything else will fall into place.
>
> Yoanna Cole

The idea that every child--regardless of race, creed, or color--has a right to an education is now an accepted belief in our country. "Open doors

for all children" is part of the ideal of the American common school. Handicapped persons had asked that these doors be opened wide enough for them, too. When their request was not met voluntarily, legislation in the form of Section 504 resulted. School leaders may wish to make school programs accessible because they believe it is right, because school patrons want it, or because of legislative dictum. Regardless, it is quite evident that structural modifications to remove architectural barriers will be a continuing priority for most school districts.

Can school leaders meet the needs and wants of handicapped people with efficient planning and economical school governance? The crunch comes when costs are considered. The National School Boards Association estimates that it would take $1.7 billion for elementary and secondary schools to comply fully with Section 504 regulations. Other estimates are substantially below this. In August, 1978, a contract was let by the Department of Health, Education and Welfare to formulate a compliance cost estimate for 50 school districts. Congress used the absence of reliable cost estimates as the reason not to allocate federal funds to public schools for removing architectural barriers. President Carter's fiscal 1979 budget carried a request for $50 million for barrier removal for colleges and universities, but no funds for elementary and secondary schools. In short, the June, 1980, deadline for program accessibility remains, but there are no federal dollars to help. When he signed the "Rules and Regulations," Secretary Califano stated:

> Ending discriminatory practices and providing equal access to programs may involve major burdens on some recipients. Those burdens and costs...provide no basis for exemption from Section 504 or this regulation: Congress' mandate to end discrimination is clear.

New construction will not present the same difficulties as barrier removal in existing buildings. The Office of Facilities, Engineering and Property Management, Department of Health, Education and Welfare, suggests that one-half of one percent of the total new construction cost be budgeted for barrier-free construction. Other estimates are as low as one-tenth of one percent of total costs.

School leaders are challenged to conform to this federal mandate without additional funds. A close reading of the "Rules and Regulations" as well as communication with the handicapped community will prevent unnecessary expenditures while striving for program accessibility. Good communication might help to prevent legal action, too. An official of the Oregon State Department of Education was heard commenting on the six recent hearings in the state concerning handicapped children and alleged violations of P.L. 94-142:

> If there had been good communication with the parents and if they had been assured that school officials wanted to do all they could, none of those situations would have reached the courts.

Section 504 reflects the government's intent that unfair barriers to self-sufficiency of the handicapped be removed by full force of the law. Resourceful school leaders will devise ways to open school doors wider for handicapped children.

APPENDIX A

RULES AND REGULATIONS

Subpart C—Program Accessibility

§ 84.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 84.22 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 84.23, or any other methods that result in

making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may as an alternative, refer the handicapped person to other providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or

organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 84.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective

date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1—1961 (R1971)),[1] which is incorporated by reference in this part, shall constitute compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

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[1]Copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

Taken from the Federal Register, Volume 42, Number 86, Wednesday, May 4, 1977, page 22681.

APPENDIX B

CHECKLIST USED TO DETERMINE

WHETHER BUILDINGS ARE ACCESSIBLE

TO THE PHYSICALLY HANDICAPPED

This checklist is based on the American National Standards Institute guidelines developed to determine whether buildings are accessible to the physically handicapped. In some instances, the language of the ANSI Standard was modified to quantify data or questions were added to more completely assess a particular aspect of a building. Other federal, state, and local/privately developed standards were consulted in making the modifications. The modifications are identified by an asterisk.

Each question requires a "yes," "no," or "not applicable" response. "Not applicable" responses occur where the particular building category under inspection is nonexistent or where the adequacy of that building category is impossible to determine from the building plans, or from questioning/interviewing or observation. Narrative comments and specific measurements requested during the inspections should be included.

Site Development

Yes No N/A

☐☐☐ Is the grading of the site, even contrary to existing topography, such that approaches to the building can be provided which are substantially level with building entrances?

_____

_____

☐☐☐ Is there parking within 200 feet of the building entrance?

_____

_____

Yes	No	N/A	
☐	☐	☐	Is any of this parking identified as reserved for use by individuals with physical disabilities?
☐	☐	☐	Are there any parking spaces open on one side, allowing room for individuals in wheelchairs or on braces to get in and out of an automobile?
☐	☐	☐	If parking spaces for individuals with physical disabilities are placed between two conventional diagonal or head-on parking spaces, are they at least 12 feet wide?
☐	☐	☐	Is it unnecessary for individuals in wheelchairs or those using braces or crutches to wheel or walk behind parked cars?
☐	☐	☐	Are the parking spaces located to allow persons to get in or out on a level surface?
☐	☐	☐	Is there clear, level, or ramped path (void of curbs) from the parking lot to the building entrances?
☐	☐	☐	Are walks at least 48 inches wide?
☐	☐	☐	Is the walk gradient not greater than 5 percent (1-foot rise in 20 feet)?

Yes No N/A

☐☐☐ Are walks of a continuing common surface, not interrupted by steps or abrupt changes in level?

_____

_____

☐☐☐ Wherever walks cross other walks, driveways, or parking lots, do walks blend to a common level?

_____

_____

☐☐☐ Do walks that are elevated have a level platform at the top which is (a) at least 5-by-5 feet if a door swings out onto the platform or toward the walk, or (b) 3-by-5 feet if door does not swing onto the platform?

_____

_____

☐☐☐ Does the platform extend at least 1 foot beyond each side (inside and outside) of the doorway?

_____

_____

☐☐☐ Do walks have a surface that is nonslip?

_____

_____

Buildings

Yes No N/A

☐☐☐ Do ramps have a slope no greater than 8.33 percent, or a 1-foot rise in 12 feet?

_____

_____

☐☐☐ If ramps have a gradient of more than 5 percent, are hand-rails provided on at least one side?

_____

_____

Yes No N/A

☐☐☐ If handrails are provided are they 32 inches in height measured from the surface of the ramp?

_____

_____

☐☐☐ Are the surfaces smooth?

_____

_____

☐☐☐ Do the surfaces extend 1 foot beyond the top and bottom of the ramp?

_____

_____

☐☐☐ Do ramps have a surface that is nonslip?

_____

_____

☐☐☐ Do ramps have at least 6 feet of straight clearance at the bottom?

_____

_____

☐☐☐ Do the ramps have level rest areas, a minimum of 5 feet in length, provided at turns?

_____

_____

☐☐☐ Do ramps that exceed a gradient of 5 percent have level platforms, a minimum of 3 feet in length, at 30-foot intervals?

_____

_____

☐☐☐ Do ramps that exceed a gradient of 5 percent have level rest areas, a minimum of 5 feet in length, provided at turns?

_____

_____

☐☐☐ Is at least one primary entrance to the building usable by individuals in wheelchairs? (It is preferable that all or most entrances (exits) should be accessible to and usable by

Yes No N/A

individuals in wheelchairs or other forms of physical disability.)

☐☐☐ Is at least one entrance usable by individuals in wheelchairs on a level that would make the elevators accessible?

☐☐☐ Do doors have a clear opening of no less than 32 inches when open?

☐☐☐ Are doors operable by a single effort? Note: Two leaf doors are not usable by those with disabilities unless they operate by single effort, or unless one of the two leaves meets the 32-inch width.

☐☐☐ Is the floor of the doorway level for a distance of 5 feet from the door in the direction it swings?

☐☐☐ Does the floor of the doorway extend 1 foot beyond each side of door?

☐☐☐ Does the floor of the doorway extend 3 feet in the direction opposite to the door swing?

☐☐☐ Is the floor of the doorway at least 5 feet wide?

Yes	No	N/A	
☐	☐	☐	Are sharp inclines and abrupt changes in level avoided at doorsills?
☐	☐	☐	Does the speed of door closers allow the use of doors by physically disabled persons?
☐	☐	☐	Do steps avoid abrupt nosing? Note: Nosing is the protruding lip at the front edge of steps.
☐	☐	☐	Do stairs have handrails 32 inches high as measured from the tread at the face of the riser?
☐	☐	☐	Do stairs have at least one handrail that extends at least 18 inches beyond the top and bottom step (parallel to floor or landing, and extension preferably secured to wall to avoid creation of a hazard)?
☐	☐	☐	Do steps have risers 7 inches or less?
☐	☐	☐	Do floors have a nonslip surface?
☐	☐	☐	Are floors on each story at a common level or connected by a ramp? (There should be no differences in level between corridor and adjacent rooms.)

Yes No N/A

☐☐☐ Is there at least one toilet for each sex on each floor with facilities for the physically handicapped?

_____

_____

☐☐☐ Can physically handicapped persons, particularly those in wheelchairs, enter the restroom?

_____

_____

☐☐☐ Do toilet rooms have turning space 60-by-60 inches to allow traffic of individuals in wheelchairs?

_____

_____

☐☐☐ Do toilet rooms have at least one toilet stall that is 3 feet wide?

_____

_____

☐☐☐ Do toilet rooms have at least one toilet stall that is at least 4 feet, 8 inches (preferably 5 feet) deep?

_____

_____

☐☐☐ Do toilet rooms have at least one toilet stall that has a door that is 32 inches wide and swings out?

_____

_____

☐☐☐ Do toilet rooms have at least one toilet stall that has handrails on each side, 33 inches high and parallel to floor, 1 inch in diameter, with 1 inch clearance between rail and wall, fastened securely to the wall at the ends and center? If grab bars are other than parallel, describe.

_____

_____

☐☐☐ Do toilet rooms have at least one toilet stall that has a clearance of at least 48 inches between the outside wall and the front of the stall entrance?

_____

_____

Yes No N/A

☐☐☐ Do toilet rooms have at least one toilet stall that has water closet with seat 20 inches from the floor?

_____

_____

☐☐☐ Do toilet rooms have lavatories (wash basins) with narrow aprons, which when mounted at standard height are no greater than 34 inches at the top and have a clearance underneath of 29 inches?

_____

_____

☐☐☐ Are drain pipes and hot water pipes covered or insulated?

_____

_____

☐☐☐ Is one mirror at a height as low as possible and no higher than 40 inches above the floor?

_____

_____

☐☐☐ Is one shelf at a height as low as possible and no higher than 40 inches above the floor?

_____

_____

☐☐☐ Do toilet rooms for men have wall-mounted urinals with the opening of the basin 19 inches from the floor, or have floor mounted urinals that are level with the main floor of the toilet room?

_____

_____

☐☐☐ Do toilet rooms have towel racks mounted no higher than 40 inches from the floor?

_____

_____

☐☐☐ Are other dispensers mounted no higher than 40 inches from the floor?

_____

_____

Yes No N/A

☐☐☐ Are disposal units mounted no higher than 40 inches from the floor?

_____

_____

☐☐☐ Are towel racks, towel dispensers and other appropriate disposal units located to the side of the lavatory rather than directly above?

_____

_____

☐☐☐ Is there at least one drinking fountain on each floor for use by the physically handicapped?

_____

_____

☐☐☐ Can persons in wheelchairs wheel up to the water fountain?

_____

_____

☐☐☐ Do water fountains or coolers have up-front spouts and controls?

_____

_____

☐☐☐ Are the water fountains hand operated?

_____

_____

☐☐☐ If coolers are wall mounted, are they hand operated, with basins 36 inches or less from the floor?

_____

_____

☐☐☐ Is there at least one public telephone in each "bank" accessible to physically handicapped persons?

_____

_____

☐☐☐ Is the height of the dial from the floor 48 inches or less?

_____

_____

Yes	No	N/A	
☐	☐	☐	Is the coin slot located 48 inches or less from the floor?
☐	☐	☐	Are there telephones equipped for persons with hearing disabilities?
☐	☐	☐	Are telephones equipped for persons with hearing disabilities identified as such?
☐	☐	☐	If more than a one-story building, are elevators available to the physically handicapped?
☐	☐	☐	Can physically handicapped persons, particularly those in wheelchairs, enter elevators?
☐	☐	☐	Are outside call buttons 48 inches or less from the floor?
☐	☐	☐	Are control buttons inside the elevators 48 inches or less from the floor?
☐	☐	☐	Are the buttons labeled with raised (or indented) letters beside them?
☐	☐	☐	Are the buttons touch sensitive or easy to push?

Yes	No	N/A	
☐	☐	☐	Is the elevator cab at least 5-by-5 feet?
☐	☐	☐	Can a person in a wheelchair facing the rear see floor numbers (by mirror or floor identification number at rear of cab)?
☐	☐	☐	Are floors announced orally by recorded devices for the benefit of the blind?
☐	☐	☐	Are light switches not more than 48 inches above the floor?
☐	☐	☐	Are controls for heating, cooling and ventilation not more than 48 inches above the floor?
☐	☐	☐	Are controls for fire alarms and other warning signals not more than 48 inches above the floor?
☐	☐	☐	Are controls for draperies and other items of frequent or essential use not more than 48 inches above the floor?
☐	☐	☐	Are raised (or recessed) letters or numbers used to identify rooms or offices?
☐	☐	☐	Is identification placed on the wall, to the right or left of the door?

Yes No N/A

☐☐☐ Is such identification placed at a height between 4 feet 6 inches and 5 feet 6 inches, measured from the floor?

_____

_____

☐☐☐ Are doors that might prove dangerous to a blind person if he were to exit or enter through them (doors not intended for normal use) made quickly identifiable to the touch by knurled door handles or knobs?

_____

_____

☐☐☐ Are audible warning signals accompanied by simultaneous visual warning signals for those with hearing or sight disabilities?

_____

_____

☐☐☐ When manholes or access panels are open and in use, or when an open excavation exists on a site, when it is approximate to normal pedestrian traffic, are barricades placed on all open sides at least 8 feet from the hazard, and warning devices installed?

_____

_____

☐☐☐ Are there no low-hanging door closers that remain within the opening of a doorway, or that protrude hazardously into regular corridors or traffic ways?

_____

_____

☐☐☐ Are there no low-hanging signs, ceiling lights, fixtures, or similar objects that protrude into regular corridors or traffic ways? (A minimum height of 7 feet, measured from floor is recommended.)

_____

_____

☐☐☐ Is lighting on ramps adequate?

_____

_____

Yes	No	N/A	
☐	☐	☐	Are exit signs easily identifiable to all disabled persons?

Permission to reprint this check list was granted by the American Association of School Administrators, Arlington, Virginia.

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